

**SPECIAL ORDINANCE NO. 2, 2011.**

**APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE**

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Common Address of lots to be rezoned:

1456 Spruce Street, Terre Haute, IN 47807

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Rezone From: R-1 Single Family Residential District

Rezone To: R-3 General Residence District

Proposed Use: Residential Building

Name of Owner: (1) Mark O. Oster and Sylvia B. Oster

Address of Owner: 1004 S. 30<sup>th</sup> Street  
Terre Haute, IN 47803

Phone Number of Owner: (812) 234-1680

Name of Owner: (2) Mental Health Association in Vigo County, Inc.

Address of Owner: 620 8<sup>th</sup> Avenue  
Terre Haute, IN 47804

Phone Number of Owner: (812) 232-5681

Attorney Representing Owner: Richard J. Shagley

Address of Attorney: Wright, Shagley & Lowery, P.C.  
PO Box 9849, Terre Haute, IN 47808

For Information Contact: ☐ Owner ☒ Attorney

Council Sponsor: John Mullican

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COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

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FILED  
JAN 10 2011  
CITY CLERK

**SPECIAL ORDINANCE NO. 2, 2011**

An Ordinance Amending Chapter 10, of the Terre Haute City Code, Zoning and Subdivision Regulations, as adopted by General Ordinance No. 10, 1999, as Amended, entitled "An Ordinance Adopting And Enacting A Code Of Ordinances For The City Of Terre Haute, Indiana; Establishing The Same; Providing For The Repeal Of Certain Ordinances Not Included Therein, Except As Herein Provided; Providing For The Manner Of Amending Such Code Of Ordinances; Providing A Penalty For Violations Thereof; Providing When This Ordinance Shall Become Effective And Officially Adopting The Terre Haute City Code, And Passing Ordinances Addressing Fees, Fines And Regulations".

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

SECTION I. That Chapter 10, of the Terre Haute City Code, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute" of General Ordinance No. 10, 1999, effective, December 10, 1999, Section 10-121, thereof, District Maps, is hereby amended to read as follows:

Lot 9 in Biel and Fredericks Subdivision of Lots 11 to 29 and 33 to 39 inclusive, in Baiersdorf's Subdivision of Lots 11 and 18 in Chases Subdivision of 100 acres off North side of Northeast Quarter Section 22, Township 12 North, Range 9 West.

EXCEPT five feet (5') of even width off of the East Side of said real estate.

Commonly known as 1456 Spruce Street, Terre Haute, IN 47807.

be and the same is, hereby established as a R-3 General Residence District, together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.

SECTION II. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of the City of Terre Haute, and its approval by the Mayor and publication as by law provided.

Presented by Council Member,

  
John Mullican, Councilperson

Passed in open Council this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
John Mullican, President

ATTEST:

\_\_\_\_\_  
Charles P. Hanley, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Charles P. Hanley, City Clerk

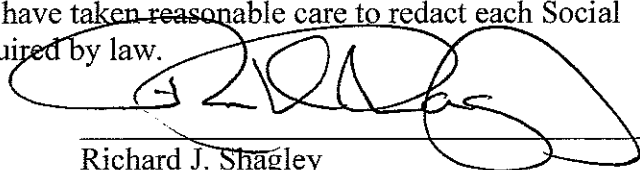
Approved by me, the Mayor of the City of Terre Haute, this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Duke A. Bennett, Mayor

ATTEST:

\_\_\_\_\_  
Charles P. Hanley, City Clerk

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.

  
\_\_\_\_\_  
Richard J. Shagley

This instrument prepared by Richard J. Shagley, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, Terre Haute, Indiana 47807.

## **PETITION TO REZONE REAL PROPERTY**

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA;

and THE PRESIDENT AND MEMBERS OF THE AREA PLANNING COMMISSION OF VIGO COUNTY, INDIANA.

LADIES and GENTLEMEN:

The undersigned, Mark O. Oster and Sylvia B. Oster, respectfully submit this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Lot 9 in Biel and Fredericks Subdivision of Lots 11 to 29 and 33 to 39 inclusive, in Baierdsdorf's Subdivision of Lots 11 and 18 in Chases Subdivision of 100 acres off North side of Northeast Quarter Section 22, Township 12 North, Range 9 West.

EXCEPT five feet (5') of even width off of the East Side of said real estate.

Commonly known as 1456 Spruce Street, Terre Haute, IN 47807.

Your Petitioners are informed and believe that in accordance with Chapter 10, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute", as amended, the above described real estate is now zoned as M-2 Heavy Industry District.

Your Petitioners would respectfully state that the real estate is now vacant. Your Petitioners intend to construct a residential building.

Your Petitioners would request that the real estate described herein shall be zoned as a R-3 General Residence District to allow for the use as proposed by the Petitioners. Your Petitioners would allege that the R-3 General Residence District would not alter the general characteristics of this neighborhood, since the real estate is located in the North Plaza commercial district.

Your Petitioners would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the area.

WHEREFORE, your Petitioners respectfully request that the Area Planning Commission and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the District Maps of Chapter 10, of the Terre Haute City Code entitled The Comprehensive Zoning Ordinance for Terre Haute, Section 10-121 District Maps and declaring the above-described real estate to be part of the R-D General Residence District of the City of Terre Haute, Indiana, and is entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, the undersigned Petitioners have caused this Petition to Rezone Real Property to be executed, this 8<sup>TH</sup> day of January, 2011.

**PETITIONERS:**

Mark O. Oster  
Mark O. Oster  
Sylvia B. Oster  
Sylvia B. Oster

**MENTAL HEALTH ASSOCIATION IN  
VIGO COUNTY, INC.**

By: Sarah Mullican  
Sarah Mullican, President

WRIGHT, SHAGLEY & LOWERY, P.C.  
500 Ohio Street  
PO Box 9849  
Terre Haute, IN 47808  
Phone: (812) 232-3388

BY: Richard J. Shagley

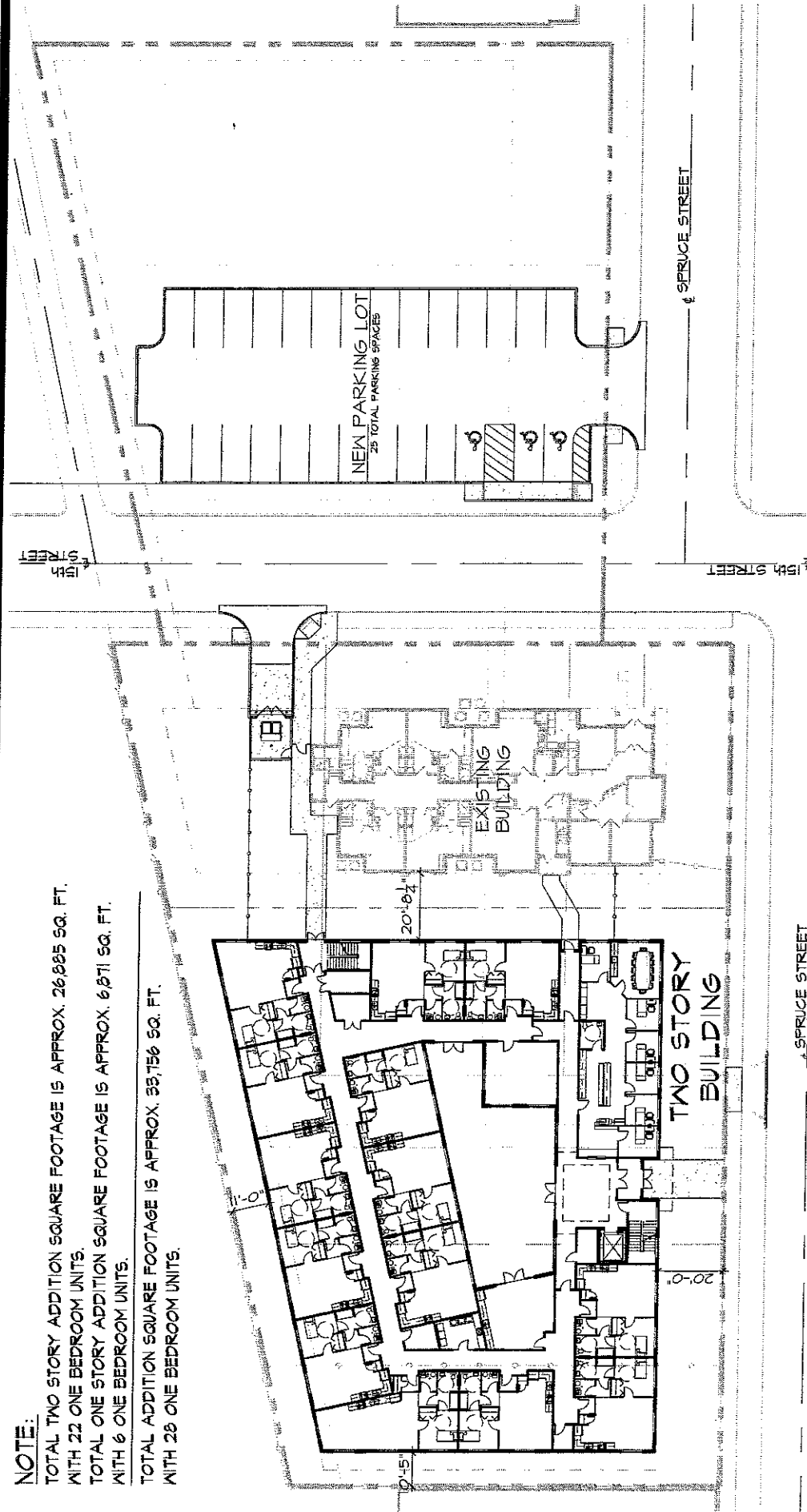
Richard J. Shagley, #257-84  
Attorneys for Petitioners

The owner and mailing address: Mark O. Oster and Sylvia B. Oster, 1004 S. 30<sup>th</sup> Street, Terre Haute, IN 47803, and Mental Health Association in Vigo County, Inc. , 620 8<sup>th</sup> Avenue, Terre Haute, Indiana 47804.

This instrument prepared by Richard J. Shagley, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, Terre Haute, Indiana 47807.

**NOTE:**

TOTAL TWO STORY ADDITION SQUARE FOOTAGE IS APPROX. 26,885 SQ. FT.  
WITH 22 ONE BEDROOM UNITS.  
TOTAL ONE STORY ADDITION SQUARE FOOTAGE IS APPROX. 6,871 SQ. FT.  
WITH 6 ONE BEDROOM UNITS.  
TOTAL ADDITION SQUARE FOOTAGE IS APPROX. 33,756 SQ. FT.  
WITH 28 ONE BEDROOM UNITS.



Preliminary Site Plan for the  
**MHVC Housing Project**  
508 N. 15th St. - Terra Haute, IN  
December 15, 2010

MLSD Architects

**SITE PLAN**  
SCALE: 1" = 30'-0"

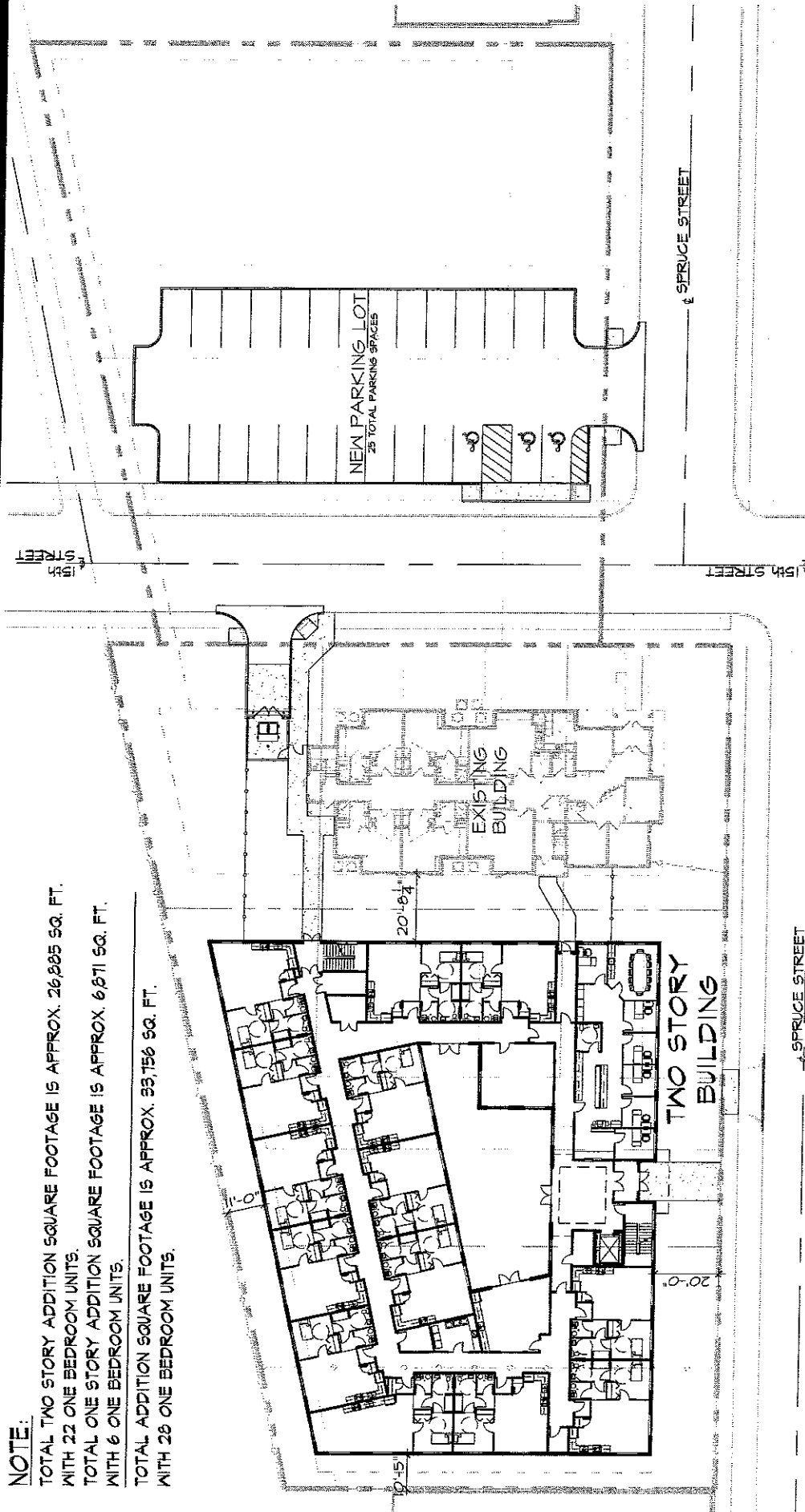


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TOTAL TWO STORY ADDITION SQUARE FOOTAGE IS APPROX. 26,885 SQ. FT.  
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WITH 28 ONE BEDROOM UNITS.



**IMLSTED Architects**  
Preliminary Site Plan for the  
**MHAYC Housing Project**  
508 N. 15th St. - Terra Haute, IN  
December 15, 2010

**SITE PLAN**  
SCALE: 1" = 50'-0"  
NORTH

